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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JOSE CASTELLANOS

13 Defendant.  
14 \_\_\_\_\_/

CR 04-40148 DLJ

STIPULATION AND  
ORDER CONTINUING SENTENCING  
HEARING

15 THE PARTIES HEREBY STIPULATE AND AGREE to continue the  
16 sentencing hearing presently set for November 6, 2009, to  
17 January 22, 2010.

18 The requested continuance is predicated upon the need for  
19 additional time to facilitate the probation interview of  
20 defendant, preparation of the presentence report, and the  
21 preparation of all parties prior to sentencing.

22 A change of plea was entered on July 27, 2009. Sentencing  
23 was set for November 6, 2009. Counsel for Mr. Castellanos,  
24 Shari L. White, has been engaged in a co-defendant, special  
25 circumstance homicide trial in People v. Clifton Wherry (Alameda  
26 County Superior Court Docket 523103A), that commenced August 17,  
27 2009, and ended October 8, 2009.

28 In addition, Christina Carrubba, the United States

1 Probation Officer assigned to this matter, has not yet  
2 interviewed with Mr. Castellanos due to both Ms. White's  
3 unavailability and the recent loss of Ms. Carruba's father.

4 The parties further stipulate that time is excludable from  
5 the time limitations of the Speedy Trial Act because the  
6 interests of justice are served by granting a continuance. This  
7 continuance, requested by the parties, will permit continuity of  
8 counsel, and allow the reasonable time necessary for effective  
9 preparation, taking into account the exercise of due diligence.  
10 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

11 For all the foregoing reasons, the parties stipulate to a  
12 continuance of the sentencing hearing as above set forth.

13 Dated: October 16, 2009  
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15 /s/ TIMOTHY LUCEY  
TIMOTHY LUCEY  
16 Assistant U.S. Attorney

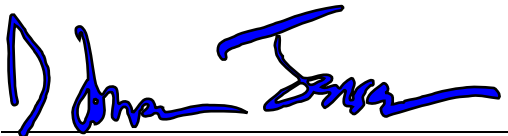
/s/ SHARI L. WHITE  
SHARI L. WHITE  
Attorney for JOSE CASTELLANOS

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19 **ORDER**

20 Based on the reasons provided in the stipulation of the  
21 parties above, the Court hereby finds that the request for a  
22 continuance is reasonable, and hereby VACATES the November 6,  
23 2009 sentencing hearing as to Defendant Castellanos, and resets  
24 same for January 22, 2010, at 10:00 a.m.

25 **IT IS SO ORDERED.**

26 Dated: October 23, 2009

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28 D. LOWELL JENSEN, Judge  
United States District Court